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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
BARBARA MITCHELL, )  
Defendant. )  
\_\_\_\_\_  
**STIPULATION AND [PROPOSED]  
ORDER VACATING MARCH 12, 2012  
STATUS CONFERENCE, SETTING  
MAY 14, 2012 STATUS CONFERENCE  
AND EXCLUDING TIME FROM  
MARCH 12, 2012 TO MAY 14, 2012,  
FROM CALCULATIONS UNDER THE  
SPEEDY TRIAL ACT (18 U.S.C. § 3161)**

The parties hereby request that the Court enter this order vacating the status conference scheduled for March 12, 2012, setting a further status conference in this matter for May 14, 2012, and excluding time from March 12, 2012 through May 14, 2012. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from March 12, 2012 through May 14, 2012, based upon the need for the defense counsel to investigate further the facts of the present case. The government has provided thousands of pages of discovery in the present case, and defense counsel needs time to review the discovery, evaluate further possible defenses and motions

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available to the defendant.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be from March 12, 2012 through May 14, 2012.

Given these circumstances, the parties believe, and request that the Court find, that the ends of justice are served by excluding from calculations the period from March 12, 2012 through May 14, 2012, outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

## IT IS SO STIPULATED.

DATED: February 21, 2012

/s/ Varell L. Fuller  
**VARELL L. FULLER**

DATED: February 21, 2012

/s/ Hanley Chew  
HANLEY CHEW  
Assistant United States Attorney

~~PROPOSED~~] ORDER

Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from March 12, 2012 through May 14, 2012 based upon the need for the defense counsel to investigate further the facts of the present case, review the discovery that the government has already provided and evaluate further possible defenses and motions available to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and is in the defendant's best interests; and (3) the ends of justice are served by excluding from calculations the period from March 12, 2012 through May 14, 2012.

Accordingly, the Court further orders that (1) the status conference for March 12, 2012 is vacated; (2) a further status conference in this matter is set for May 14, 2012; and (3) the time

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1 from March 12, 2012 through May 14, 2012 is excluded from time calculations under the Speedy  
2 Trial Act, 18 U.S.C. § 3161.

3 IT IS SO ORDERED.  
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5 DATED: February 22, 2012

  
THE HONORABLE EDWARD J. DAVILA  
United States District Judge

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